



MOTOR VEHICLE COLLISIONS

FC No.: 1021

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I. Response to Collisions

- A. When dispatched, officers will respond to all collisions occurring in the county. Exceptional circumstances, such as the declaration of a "Snow Emergency," may require the District/Duty Commander to modify or suspend this policy. (CALEA 61.2.2)
- B. The initial responding/primary assigned officer(s) at a collision will: (CALEA 61.2.3)
 - 1. Position police vehicle(s) to protect the collision scene.
 - 2. Evaluate the need for medical care and provide basic life support. When requesting Montgomery County Fire and Rescue Services (MCFRS) assistance, officers will notify ECC of the collision location, the number of persons injured, the nature of injuries, and if any persons are trapped.
 - 3. Summon additional assistance, if necessary.
 - 4. Establish a safe and efficient traffic pattern around the scene utilizing flares, traffic cones, barricades, and/or emergency vehicles.
 - 5. If the collision involves property damage only, arrange for removal of the vehicle(s) from the travel portion of the roadway as soon as possible.
 - 6. Be in charge of the scene until relieved by a supervisor or specialized unit.

II. Collision Investigation (CALEA 61.2.1, 61.2.3)

- A. Officers will investigate the following types of collisions occurring within this jurisdiction:
 - 1. Fatal collisions (refer to section III).
 - 2. Personal injury collisions to include all incapacitating, non-incapacitating, and

possible injuries. This category of collisions includes momentary unconsciousness, claims of injuries that are not evident, limping, and complaints of pain, when reported at the time of the collision.

- 3. Collisions either attributed to or accompanied by an incarcerable traffic offense, including property damage hit-and-run collisions when there is a witness or physical evidence of any type. If there is no witness or physical evidence at a property damage hit-and-run collision, an investigation is not required.
- 4. Collisions involving government owned vehicles, whatever the level of government, including Metro and public school buses.
- 5. All property damage collisions occurring on a public roadway when the vehicle(s) cannot be safely driven from the scene. An exception to this will be flat tires. An auto fire in which the vehicle cannot be driven from the scene does not require a collision investigation unless it meets at least one other requirement for conducting an investigation listed in this section.
- 6. Collisions involving any vehicle transporting hazardous materials.

B. Officers conducting collision investigations will:

- 1. Interview principals and witnesses.
- 2. Examine/record vehicle damage.
- 3. Examine/record effects of the collisions on the roadway.
- 4. Take measurements, if necessary.
- 5. Collect/preserve evidence.
- 6. Take photographs, if necessary.
- 7. Ensure **that information (e.g., insurance information, license, and registration) is exchanged at the scene** among the persons involved as required by law **whenever practical**.
- 8. Assume custody of property belonging to incapacitated collision victims (property will be stored pursuant to department policy).
- 9. Document the collision on a **"State of Maryland Motor Vehicle Accident Report"** (MSP Form #1).

- C. If available, district traffic officers will have primary responsibility for investigating all non-fatal collisions involving government vehicles.
- D. In all non-vehicular traffic collisions (fences, poles, shrubbery, etc.), officers will make an effort to notify the owner of any damaged property and provide them with information concerning the striking vehicle and its operator. When the collision involves fenced property permitting access to the roadway by farm animals, the officer(s) will remain at the scene until the property owner has been notified.
- E. ***When an officer responds to a collision where county or state property is damaged (e.g., guard rails, streetlights, traffic lights and signs, etc.), and the MSP 1 is not required, the officer will complete an MCP 38, "Defect Notice." Included on the MCP 38 will be the striking vehicle's information, to include the vehicle VIN, tag number, insurance information, and the owner's/driver's name, address, and telephone number. The completed MCP 38 will be forwarded to the officer's district commander. The district commander, or designee, will fax the MCP 38 to the appropriate agency. The original MCP 38 will be filed at the district station, alphabetically by street name. Officers not assigned to a district station will forward the completed MCP 38 to the district commander in the district where the collision occurred.***
- F. No report is required if the collision is investigated by another police agency. However, when the assistance of the Collision Reconstruction Unit (CRU) is provided to another police agency, the assisting CRU investigator will initiate a "Police Information" report and will reference the other agency's case report number in the narrative.
- G. If called to the scene of a collision and no report is required, the officer ***shall:***
1. Provide each driver with an ***MSP "Move It" collision information exchange form.***
 2. Assist in moving the involved vehicle(s) from the travel portion of the roadway.
 3. Ensure that all operators possess a valid driver's license.
 4. Ensure that all vehicles involved are properly registered.
 5. If a discrepancy exists regarding license status or vehicle registration, a report will

- be written even if the officer does not intend to place charges.
6. Ensure that the vehicle operators exchange all pertinent information (i.e., license, registration, and insurance).
- H. Officers investigating motor vehicle collisions ***are strongly encouraged to place*** appropriate traffic violation charges when the violation can be substantiated by witnesses, the investigation, or the officer's observation of the violation. Officers not investigating a motor vehicle collision ***will not*** make any judgment concerning liability nor will they issue a traffic citation to persons involved in the collision.
- I. Photographs depicting the scene and damage will be taken at all collisions involving Montgomery County Government vehicles. Photos of an evidentiary nature will be maintained pursuant to department policy. Additional photos will be taken and forwarded in an MCP 7, "Photo Processing Request," envelope to Risk Management with the report package. An exception to this is when an employee of the agency to which the vehicle is assigned has taken photographs of the collision.
- J. ***Officers investigating collisions where individuals are charged with an incarcerable traffic offense will send, via inter-office mail, a photocopy of the MSP 1 report, including any subsequent supplement report to Traffic Intake, State's Attorney's Office. A list of incarcerable traffic offenses is included in Appendix B of FC 533, "Maryland Uniform Complaint and Citation."***

III. Investigating Fatal and Serious Injury Collisions

- A. In cases where a death is confirmed, the CRU supervisor, or designee, will be contacted via the ECC supervisor. The CRU will respond to conduct the investigation.
- B. A fatal injury is any injury that results in death within ***one year*** of a motor vehicle collision. When a victim expires within ***one year*** of a motor vehicle collision that was previously reported as non-fatal, officers will report this information immediately to the CRU supervisor. (Refer to section IV.)
- C. The CRU will investigate all critical injury motor vehicle collisions that involve any police

officer, dignitary, or public official, whether or not a county owned motor vehicle is involved.

- D. In cases where a victim is not deceased at the scene, the initial responding officer shall obtain an injury assessment from the MCFRS incident commander to determine the severity of the injuries. Officers should be aware that the issuance of a medical "Priority One Trauma" does not necessarily indicate that death is imminent or expected. Once it is determined that the injuries are life threatening, the on-scene senior ranking officer shall provide detailed information to the CRU supervisor via the ECC supervisor. The CRU supervisor, or designee, will decide if a response by CRU is required.
- E. Once it is determined that the CRU has primary investigative responsibility (as described in this section), all personnel will treat the scene as a "crime scene."
1. The initial responding officer(s) will preserve the scene by cordoning off the roadway to preserve the position of vehicles, skid marks, bodies of deceased persons, debris, area of impact of pedestrians and vehicles, clothing, and all other pre-impact and post-impact evidence pending the arrival of the CRU investigator.
 2. In order to avoid contamination of roadway evidence, the senior ranking officer will coordinate the arrival and departure of all emergency vehicles at the scene with the MCFRS commander.
 3. The scene will be protected from contamination by the placement of absorbent or other materials on the roadway **only** to control the flow of hazardous materials into run-off areas.
- F. The CRU supervisor will coordinate subsequent assistance by district personnel with the appropriate patrol/traffic shift supervisor(s). Traffic management will be the responsibility of the patrol/traffic supervisor.
- G. The following notifications will be made when investigating a fatal collision:
1. County Medical Examiner - Upon verification of a fatality, the CRU investigator will notify the County Medical Examiner. The Medical Examiner's cause of death findings will be included in the original accident report. All pertinent

autopsy findings will be reported in a supplemental report.

2. District or Duty Commander - Upon verification of a fatality, the CRU investigator will notify the appropriate district/duty commander. The appropriate district commander will be given a copy of all fatal collision reports.
3. Media Services Division - ***Media Services Division will provide a press release during normal business hours (0800-2000) Monday through Friday. At all other times, to include weekends and holidays, the duty commander or CRU investigator will provide the press release. Refer to FC 1141, "Police/Media Relations," for information regarding the press release.***
4. Montgomery County Division of Traffic Engineering - The CRU will notify the Montgomery County Division of Traffic Engineering of the collision's location, date, time, description, and cause.
5. Next of Kin - The CRU investigator will either personally notify or arrange for the personal notification of the next of kin of all persons sustaining fatal injuries.
 - a. In fatal collisions where the investigating officer makes the notification in person, the officer will explain the circumstances of the collision to the relatives. This may take place at either the hospital or at another location within a reasonable time after the collision.
 - b. In the event the investigating officer is not the individual making the initial notification, the investigator will contact next of kin within a reasonable time following the collision and offer to arrange a conference to discuss the collision. The conference should be conducted at a location convenient to the next of kin. The officer should relate the following:
 - Facts and circumstances of the collision,
 - Location of the vehicle, and
 - Storage arrangements.
 - c. If requested, provide the next of kin with a copy of the collision report at no charge.
6. State's Attorney's Office - The CRU investigator will contact the State's Attorney's Office (SAO) within 24 hours when all operators are Maryland residents. If any operator is not a Maryland resident,

the CRU investigator will immediately notify the designated ***district station*** attorney from the SAO. The results of the State's Attorney contact, including the attorney's identity, will be included within the collision report (MSP Form #1) and the continuation report.

7. Teletype Message - The CRU investigator will be responsible for completing the teletype message for fatal collisions.

- H. Photographs will be taken of fatal collisions in accordance with FC 726, "Forensic Services Section."

IV. Follow-Up Investigations of Fatal Collisions
(CALEA 61.2.4)

- A. A follow-up investigation by the CRU is necessary when a death resulting from a motor vehicle ***collision*** occurs after the initial collision report has been submitted.
- B. All hospitals in the county have been requested to notify the ***Records Division*** when the victim of a motor vehicle collision has expired. The hospital will provide the following information:
1. Date, time, and location of initial collision.
 2. Date, time, and location of death.
 3. Name, title, and telephone number of hospital representative making the report.
 4. If, and by whom, the County Medical Examiner was notified.
- C. ***Records Division*** personnel will locate the collision report to determine the reporting district and investigating officer. ***Records Division*** will notify the CRU supervisor who will assign follow-up responsibility to a CRU investigator.
- D. The original reporting officer will provide the CRU investigator with copies of all drawings, photographs, witness statements ***and any other pertinent information from the initial investigation.***
- E. The original investigating officer will assist the CRU investigator in completing the follow-up investigation.
- F. If the hospital did not notify the Medical Examiner, the CRU investigator will make the notification.

- G. The CRU investigator will arrange next-of-kin notification and will send a teletype message.

- H. ***At the discretion of the CRU supervisor, the CRU investigator will be present at the autopsies of fatal collision victims to answer questions, collect evidence, and obtain the preliminary cause of death.***

V. Post-Collision Commercial Vehicle Inspections

The investigating officer may request a department-certified Commercial Vehicle Inspector who may respond to the scene of any collision involving:


1. A vehicle transporting hazardous material.
2. A commercial vehicle and any of the following:
 - a. Serious injury ***or death.***
 - b. Mechanical failure.
 - c. The driver possesses a commercial driver's license and is suspected of being under the influence of alcohol or drugs.

At the discretion of the district/duty commander, if no on-duty Commercial Vehicle Inspector is available, the officer will contact the communications supervisor who will arrange call-out of a certified Commercial Vehicle Inspector.

VI. Proponent Unit: FSB Administration

VII. Cancellation

This directive cancels Function Code 1021, effective date 07-21-99, Headquarters Memorandum 00-04, and MCP 23, "Dash 1 Collision Letter."



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